Bidding 101 Guide to Legislative & Administrative Requirements

Statutory, Regulatory & Policy Requirements

There are many laws, regulations and policies that bidders are must comply with when bidding on a State procurement.

1. **Procurement Lobbying Law** (S.F.L. §139-j; §139-k) requires the completion of the:
   - Affirmation of understanding and agreement
   - Certification of compliance
   - Disclosure of prior non-responsibility determinations
   - Certification made by submitting bid, or separate form may be required.
2. **Non-Collusive Bidding Certification** says that the prices were developed independently, without collusion, consultation, communication, or agreement with any competitors for the purpose of restricting competition.
3. **Sales Tax Certification** is completed by filing two forms:
   - ST-220-TD: Filed with the Department of Taxation and Finance
   - ST-220-CA: Filed with the agency conducting the procurement.
4. **Workers' Compensation & Disability Insurance Requirements**
   - Workers' Compensation Law requires the State or municipal agency to ensure that businesses applying for permits, licenses or contracts document have appropriate workers' compensation and disability benefits insurance coverage.
   - Failure to provide proof of such coverage or a legal exemption will result in a rejection of a bid.
   - Contract may automatically become void if Contractor does not provide and maintain coverage for all employees required to be covered under W.C.L. (S.F.L §142).
5. **Other Additional Insurance Requirements -** Depending on the solicitation, successful bidders may be required to procure additional insurance policies with specified levels of coverage as a condition of contract award. Examples include:
   - Commercial General Liability
   - Comprehensive Business Auto
   - Professional Liability
   - Technology Errors & Omissions.
6. **MWBE/EEO Requirements** as outlined by Executive Law Article 15-A includes the following elements:
   - Policy Statement
   - Staffing plan (EEO 100)
   - Utilization report (EEO 101).

7. **Iran Divestment Act** requires certification that the contractor is not on the prohibited entities list and agreement that Contractor will not use any entity on the prohibited entities list as a subcontractor (State Finance Law §165-a).
8. Demonstrate **Encouraging Use of NYS Businesses** by:
    - Identification of any New York State businesses proposed to be used as subcontractors in the bidder's performance of the contract.
    - Disclosure of certain information regarding contracts for consulting services
    - Completion of Form A: Planned Employment and Form B: Annual Employment Report
9. Completed **Vendor Responsibility Questionnaire**. Prior to contract award, agency is required to make determination that bidder is a responsible entity based in part on the bidder's responses to the questions. The VendRep system is administered by Office of State Comptroller (NYS Vendor ID required to enroll) and is where the bidder can submit their responses to the questionnaire.
10. Other requirements may include:
    - MacBride Fair Employment certification
    - Diesel Emissions Reduction Act
    - Executive Orders (EO-4 Green Procurement)
    - Use of Recycled or Remanufactured Materials
    - Mercury-Added Consumer products

Administrative Requirements

Solicitations often include strict administrative requirements to protect the integrity of the competitive procurement. Noncompliance with these requirements may result in disqualification.

- Packaging requirements (separately sealed and labeled)
- Bid submission deadline
- Format and content of bid submittal
- Number of electronic and hard copies
- Discrepancies between electronic and hard copies
- Bid solicitation updates
- Proper signature and notarization
- Using correct forms and versions
- General Bidder questions document
- Bid submittal checklist

Completing the Financial Proposals/Pricing Sheets

Generally the most important part of your bid

- Price is always "material" and except in very limited circumstances, may not be changed, corrected or altered after bid submission.
- Carefully review pricing proposals prior to submission to ensure:
- Fill out all required fields/cells
- Use proper format (markup/discount, negative/positive, units of measure)
- Take advantage of any built-in error messages to check for mistakes